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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCUS RANDALL,

Defendant.

CASE NO. 1:21-CR-00129-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: December 21, 2022
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on December 21, 2022.
2. By this stipulation, defendant now moves to continue the status conference until March 15, 2023, and to exclude time between December 21, 2022, and March 15, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports and related documents, content from cell phones, and other materials. In initial discovery, the government produced more than 2,500 pages of discovery. On July 7, 2022, the government produced an additional 3,000 pages of supplemental discovery,

1 which included documents specifically requested by the defense. All of this discovery has been
2 either produced directly to counsel and/or made available for inspection and copying. In
3 addition, the government recently obtained supplemental discovery that it has produced to the
4 defense.

5 b) Counsel for defendant desires additional time to consult with his client about the
6 current charge(s), review the supplemental discovery with the defendant, conduct investigation
7 and research related to the charges, to discuss potential resolution with his client, and to
8 otherwise prepare for trial.

9 c) Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny him/her the reasonable time necessary for effective preparation, taking
11 into account the exercise of due diligence.

12 d) The government does not object to the continuance.

13 e) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of December 21, 2022 to March 15,
18 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
19 T4] because it results from a continuance granted by the Court at defendant's request on the basis
20 of the Court's finding that the ends of justice served by taking such action outweigh the best
21 interest of the public and the defendant in a speedy trial.

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1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

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7 Dated: December 6, 2022

PHILLIP A. TALBERT
United States Attorney

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9 /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

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11 Dated: December 6, 2022

12 /s/ GERALD COBB
GERALD COBB
Counsel for Defendant
MARCUS RANDALL

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16 **ORDER**

17 IT IS SO ORDERED.

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20 DATED: 12/14/2022

21 *Sheila K. Oberto*
THE HONORABLE SHEILA K. OBERO
UNITED STATES MAGISTRATE JUDGE